

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.7128 of 2017

K.AL.Swaminathan

.. Petitioner

Versus

1.The Deputy Inspector General of Registration
Registration Department,
Chennai Zone,
Chennai.

2. The District Registrar (Administration),
District Registrar Office,
No.9, Jeenias Road,
Saidapettai,
Chennai.

.. Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the second respondent to conclude the enquiry, which is pending before him in proceeding in No.3218/A3/2016 dated 20.05.2016 as early as possible.

For Petitioner : Mr.P.Kannankumar

For Respondents : Ms.K.Bhuvaneswari
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the second respondent to conclude the enquiry, which is pending before him in proceeding No.3218/A3/2016 as early as possible.

2.The case of the petitioner is that he is the Manager of a company called Sri Raja Rajeswari Enterprises and during the year 1979, the land in Survey No.92/6 bearing Door No.4/74, Bimash No.744/3, 745/3 and 746/1 measuring 1 acre and 63 in Thiruneermalai Road was purchased by the said company from one Mohammed Mohideen by means of a sale deed dated 07.02.1979 registered as document No.269/79 in the office of the Sub-Registrar, Pallavaram. From the date of such sale, the said company was in possession and enjoyment of the said property for which patta was also granted in the name of the company in Patta No.3135. While so, during the year 2016, when the petitioner applied for encumbrance certificate, they came to know that the one Mohammed Ismail has created several documents such

as settlement deed, mortgage deed etc., in relation to the said property and his name is incorporated in the revenue records in respect of the above property as if he is the owner of the petitioner's land. Hence, the petitioner made a representation dated 20.05.2016 before the Registration Department to take appropriate action to cancel all the forged documents created and registered in the name of Mr.Mohammed Ismail. The petitioner has further stated in his representation that the said person who attempted to grab the land of the Company by way of creating forged sale deed is now attempting to alienate the same to some other persons by using the very same forged sale deeds and taking all steps to register the same. On the basis of such representation, the first respondent sent a communication to the 2nd respondent on 23.05.2016 directing him to take necessary action on the representation of the petitioner in accordance with law. Consequent to the same, the second respondent issued summons for appearance of the petitioner and others for an enquiry on 29.07.2016. As per the summon, the petitioner appeared before the second respondent and produced all the records to prove his bonafide and asserted a title over the land in question. Subsequently, the second respondent adjourned the enquiry to enquire the other persons without mentioning any specific date. Thereafter, the petitioner approached the second respondent in person on several occasions and requested him to conclude the enquiry initiated by him, but till date, the enquiry has not been concluded, hence, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. Considering the above facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Court directs the second respondent to conclude the enquiry, which is pending before him in Proceeding No.3218/A3/2016 dated 20.05.2016 and pass orders thereon within a period of six months from the date of receipt of a copy of this order. With the above direction, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

arr/rsh

To

1.The Deputy Inspector General of Registration,
Registration Department,
Chennai Zone,
Chennai.

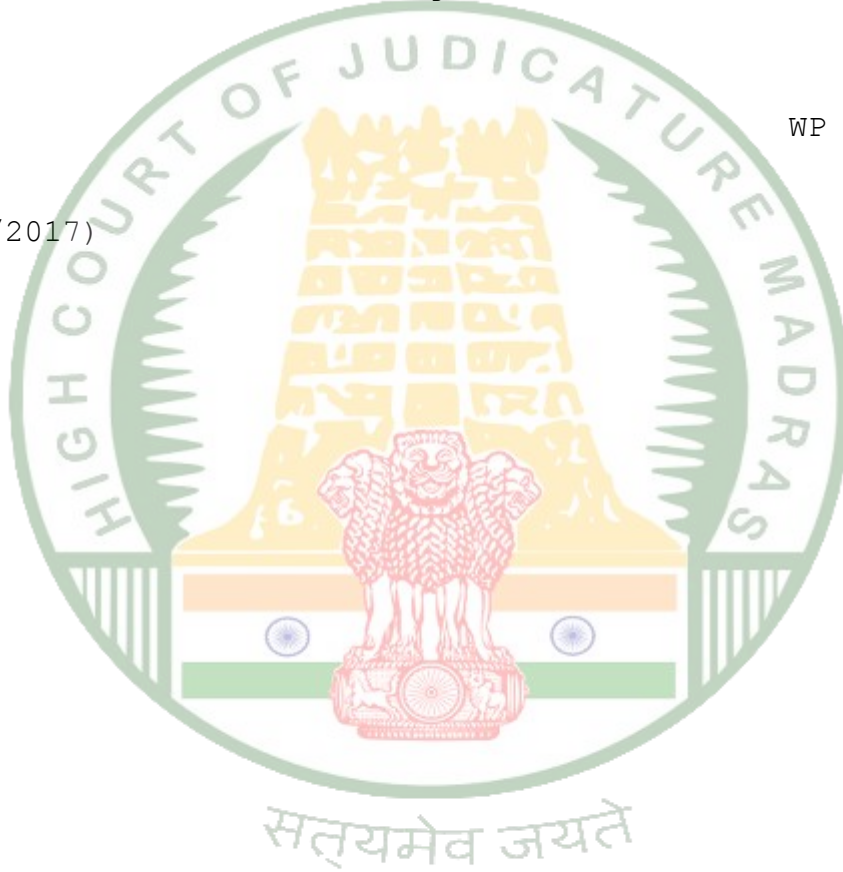
2. The District Registrar (Administration),
District Registrar Office,
No.9, Jeenis Road,
Saidapettai,
Chennai.

+1 CC to Mr.P.Kannankumar, Advocate Sr.No.18383

+1 CC to Government Pleader, High Court, Chennai Sr.No.18864.

AP (CO)
KP (19/04/2017)

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